

Assembly Bill No. 1398

Passed the Assembly September 8, 2011

Chief Clerk of the Assembly

Passed the Senate September 8, 2011

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2011, at _____ o'clock ____M.

Private Secretary of the Governor

Second enrollment

CHAPTER _____

An act to amend Section 1393.5 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1398, Chesbro. Employment of minors: agricultural packing plants.

Existing law prescribes limits on the hours of employment of minors, but authorizes the Labor Commissioner to grant an exemption to employers operating agricultural packing plants for the employment of minors 16 and 17 years of age for up to 10 hours on days when school is not in session, during the peak harvest season.

Existing law provides an exception to those provisions relating to Lake County by limiting the employer exemption that may be issued by the Labor Commissioner to the employment of minors, 16 or 17 years of age, who reside in Lake County, and only on days when school is not in session, for up to 10 hours a day, as well as for more than 48 hours but not more than 60 hours in a week, upon prior written approval of the Lake County Office of Education.

Existing law also requires the Labor Commissioner, prior to issuing the Lake County exemption or renewing an exemption, to inspect an affected agricultural packing plant, and to file a written report with the Legislature on or before March 1 of each year describing the general working conditions of minors employed in the agricultural packing industry during the past year, as specified. Existing law further requires an affected employer, on or before March 1 of each year, as a condition of receiving that exemption or a renewal of that exemption, to file a written report to the Labor Commissioner, as specified. These provisions are set to expire on January 1, 2012.

This bill would extend the operation of the exceptions pertaining to the employment of minors in Lake County until January 1, 2017. This bill would also change the written reporting requirements of affected employers to require a written report regarding payroll to be filed annually on or before October 1. This bill would also

change the requirements for the Labor Commission to issue instead of an annual report, a single written report on the working conditions of minors employed in the agricultural packing industry, which would be filed by November 1, 2016, and cover the previous 5 ½ year period from March 1, 2011, to October 1, 2016.

The people of the State of California do enact as follows:

SECTION 1. Section 1393.5 of the Labor Code is amended to read:

1393.5. (a) Notwithstanding any other provision of this article or Article 2 (commencing with Section 49110) of Chapter 7 of Part 27 of Division 4 of Title 2 of the Education Code, an exemption issued pursuant to Section 1393 may authorize the employment during the peak harvest season of a minor, 16 or 17 years of age who resides in Lake County, during any day in which school is not in session for up to 10 hours per day and more than 48 hours but not more than 60 hours in any one week, only upon the prior written approval of the Lake County Office of Education.

(b) Each year, the Labor Commissioner, prior to issuing or renewing an exemption under this section, shall inspect the affected agricultural packing plant.

(c) As a condition of receiving an exemption or a renewal of an exemption under this section, an affected employer shall, on or before October 1 of each year, file a written report to the Labor Commissioner that contains the following employment information regarding the employer's payroll for the same year up to September 15:

(1) The number of minors employed by that employer.

(2) A list of the age and hours worked on a weekly basis of each minor employed.

(d) Notwithstanding Chapter 24 (commencing with Section 7550) of Division 7 of Title 1 of the Government Code, the Labor Commissioner shall submit a written report to the Legislature, on or before November 1, 2016, that describes the general working conditions of minors employed in the agricultural packing industry during the period from March 1, 2011, to October 1, 2016, inclusive, and that includes all of the following information:

(1) The number of minors employed in the agricultural packing industry.

(2) The number of exemptions issued, renewed, or denied pursuant to this section.

(3) A summary of the inspections conducted by the Labor Commissioner pursuant to this section.

(4) The number of workplace injuries that occurred to minors at agricultural packing plants.

(5) The number of violations of labor laws and regulations that occurred at agricultural packing plants.

(e) This section shall remain in effect only until January 1, 2017, and as of that date is repealed.

Approved _____, 2011

Governor